

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 156

HOUSE BILL 2507

AN ACT

AMENDING TITLE 13, CHAPTER 17, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1706; AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2913; RELATING TO WILDFIRES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 17, Arizona Revised Statutes, is amended
3 by adding section 13-1706, to read:

4 13-1706. Burning of wildlands; exceptions; classification

5 A. IT IS UNLAWFUL FOR ANY PERSON, WITHOUT LAWFUL AUTHORITY, TO
6 INTENTIONALLY, KNOWINGLY, RECKLESSLY OR WITH CRIMINAL NEGLIGENCE TO SET OR
7 CAUSE TO BE SET ON FIRE ANY WILDLAND OTHER THAN THE PERSON'S OWN OR TO PERMIT
8 A FIRE THAT WAS SET OR CAUSED TO BE SET BY THE PERSON TO PASS FROM THE
9 PERSON'S OWN GROUNDS TO THE GROUNDS OF ANOTHER PERSON.

10 B. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

11 1. OPEN BURNING THAT IS LAWFULLY CONDUCTED IN THE COURSE OF
12 AGRICULTURAL OPERATIONS.

13 2. FIRE MANAGEMENT OPERATIONS THAT ARE CONDUCTED BY A POLITICAL
14 SUBDIVISION.

15 3. PRESCRIBED OR CONTROLLED BURNS THAT ARE CONDUCTED WITH WRITTEN
16 AUTHORITY FROM THE STATE FORESTER.

17 4. LAWFUL ACTIVITIES THAT ARE CONDUCTED PURSUANT TO ANY RULE,
18 REGULATION OR POLICY THAT IS ADOPTED BY A STATE, TRIBAL OR FEDERAL AGENCY.

19 5. IN ABSENCE OF A FIRE BAN OR OTHER BURN RESTRICTIONS TO A PERSON ON
20 PUBLIC LANDS, SETTING A FIRE FOR PURPOSES OF COOKING OR WARMING THAT DOES NOT
21 SPREAD SUFFICIENTLY FROM ITS SOURCE TO REQUIRE ACTION BY A FIRE CONTROL
22 AGENCY.

23 C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF AN OFFENSE AS
24 FOLLOWS:

25 1. IF DONE WITH CRIMINAL NEGLIGENCE, THE OFFENSE IS A CLASS 2
26 MISDEMEANOR.

27 2. IF DONE RECKLESSLY, THE OFFENSE IS A CLASS 1 MISDEMEANOR.

28 3. IF DONE INTENTIONALLY OR KNOWINGLY AND THE PERSON KNOWS OR
29 REASONABLY SHOULD KNOW THAT THE PERSON'S CONDUCT VIOLATES ANY ORDER OR RULE
30 THAT IS ISSUED BY A GOVERNMENTAL ENTITY AND THAT PROHIBITS, BANS, RESTRICTS
31 OR OTHERWISE REGULATES FIRES DURING PERIODS OF EXTREME FIRE HAZARD, THE
32 OFFENSE IS A CLASS 6 FELONY.

33 4. IF DONE INTENTIONALLY AND THE PERSON'S CONDUCT PLACES ANOTHER
34 PERSON IN DANGER OF DEATH OR SERIOUS BODILY INJURY OR PLACES ANY BUILDING OR
35 OCCUPIED STRUCTURE OF ANOTHER PERSON IN DANGER OF DAMAGE, THE OFFENSE IS A
36 CLASS 3 FELONY.

37 Sec. 2. Title 13, chapter 29, Arizona Revised Statutes, is amended by
38 adding section 13-2913, to read:

39 13-2913. Unlawful violation of fire ban; classification

40 A. IT IS UNLAWFUL FOR A PERSON TO ENTER OR REMAIN IN ANY PUBLIC
41 BUILDING OR ON ANY PUBLIC PROPERTY IN VIOLATION OF ANY ORDER OR RULE THAT IS
42 ISSUED BY ANY OFFICER OR AGENCY HAVING THE POWER OF CONTROL, MANAGEMENT OR
43 SUPERVISION OF THE BUILDING OR PROPERTY AND THAT RELATES TO THE CONTROL AND
44 LIMITATION OF FIRES, INCLUDING ANY PROHIBITION, RESTRICTION OR BAN ON FIRES,

1 ANY PROVISION TO AVERT THE START OF OR LESSEN THE LIKELIHOOD OF WILDFIRE AND
2 THE DESIGNATION OF ANY PLACE WHERE FIRES ARE PERMITTED, RESTRICTED,
3 PROHIBITED OR BANNED.

4 B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2
5 MISDEMEANOR.

APPROVED BY THE GOVERNOR MAY 6, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2003.

Passed the House March 10, 2003

Passed the Senate April 29, 2003

by the following vote: 56 Ayes,

by the following vote: 29 Ayes,

1 Nays, 3 Not Voting

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Ken Blumenth
President of the Senate

Sproman L. Moore
Chief Clerk of the House

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2003

at 12:21 o'clock P M.

Andrea Hamise
Secretary to the Governor

Approved this 6 day of

May, 2003,

at 3¹⁰ o'clock P. M.

Jan Noyke
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 6 day of May, 2003

at 4:24 o'clock P M.

Janie K. Brewer
Secretary of State

H.B. 2507